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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights of migrants

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human rights of migrants, François Crépeau, submitted in accordance with Assembly resolution 68/179.

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Report of the Special Rapporteur on the human rights of migrants

Summary

In the present report, submitted in accordance with General Assembly resolution 68/179, the Special Rapporteur first introduces his activities during the reporting period.

The thematic section is dedicated to advocating the inclusion of the human rights of migrants in the post-2015 development agenda and contains an analysis of current migration trends. The Special Rapporteur provides guidelines, conclusions and recommendations on how to mainstream the human rights of migrants within key sustainable development goals, targets and indicators, in addition to recommendations on how to better monitor and gather data from marginalized groups such as migrants.

I. Introduction

1. The present report is submitted to the General Assembly by the Special Rapporteur on the human rights of migrants, François Crépeau, pursuant to resolution 68/179.

II. Activities

2. During the period under review, the Special Rapporteur participated in a number of conferences and events relating to his mandate, including the High-level Dialogue on International Migration and Development, which was held in New York in October 2013.

3. The Special Rapporteur attended an expert meeting on human rights at international borders, organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva in November 2013.

4. In February 2014, he participated in the twelfth coordination meeting on international migration, held in New York.

5. In March, the Special Rapporteur was the keynote speaker at the annual high-level panel discussion of the Human Rights Council on human rights mainstreaming, which focused on the protection and promotion of the human rights of migrants.

6. In April, the Special Rapporteur attended the day of general discussion organized by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, focusing on workplace exploitation and protection. He also attended a meeting on human rights indicators for migrants, organized by OHCHR in Geneva.

7. The Special Rapporteur attended the Global Forum on Migration and Development, held in Stockholm in May. He also undertook a country visit to Sri Lanka, the report on which will be submitted to the Human Rights Council in 2015.

8. In June 2014, he presented his third annual report to the Human Rights Council (A/HRC/26/35), focusing on labour exploitation of migrants. He also submitted a report on his visit to Qatar (A/HRC/26/35/Add.1), which he conducted in November 2013.

III. Human rights of migrants in the post-2015 development agenda

A. Achievements and constraints of the Millennium Development Goals

9. In 2000, States adopted the United Nations Millennium Declaration, thereby committing themselves to a new global partnership to reduce extreme poverty, which led to a series of time-bound targets known as the Millennium Development Goals. The Goals provided clear direction for Governments and international actors to focus and work together on achieving specific development issues. The Goal framework supported the development of national statistical capacity and improved

statistical system coordination at the national and international levels.[1] This resulted in effective generation and collection of data for the Goals, which in turn influenced and shaped national and international policies on human development. The Goals stimulated global and national development efforts, notably towards eradicating poverty and improving access to primary education.

10. In the United Nations Millennium Declaration, Governments pledged to strive for the protection and promotion of all human rights, but the Goal framework failed to live up to that pledge. This state of affairs has demonstrated that issues left out of a universally agreed agenda are not effectively monitored and reported on and are easily overlooked when priorities are set, policies defined or budgets allocated. The Goals have been viewed by some as an economic growth agenda, not explicitly aligned with human rights. Yet, human rights are essential for sustainable development: Governments' legal obligations regarding international human rights standards must be reflected in current development policy in order to enhance effectiveness and accountability. By delinking the Goals from human rights, State obligations were reduced to mere policy options, for example on the issue of free primary education. In addition, given that international human rights standards did not form the basis on which the Goals were developed, the targets created were sometimes unambitious or inadequate.[1] Research shows that the Goals were also often seen as donor driven because organizations based in the North focused more on the goals than on human rights, whereas those based in the South engaged more on human rights and hardly on the Goals.[2]

11. Although equality was one of the core values of the United Nations Millennium Declaration, the Goals did not adequately tackle issues of discrimination, equality and equity, resulting in increases in inequalities within and between countries.[3] The Goals placed emphasis on overall progress as the main indicator, thereby overlooking slower progress or the growing exclusion of marginalized groups, including migrants living and working in precarious circumstances.

12. The Goals encouraged technical fixes and focused on the low-hanging fruit, rather than targeting the root causes of development problems. Consequently, they monitored progress and success through a one-size-fits-all lens, focusing only on what was easily measurable and not on what was important, such as the empowerment of marginalized groups. The lack of proper monitoring meant that it was difficult to hold Governments accountable at the global, national and local levels.

13. In addition, the targets did not sufficiently address inequalities, which made it possible to achieve them without properly addressing marginalized groups. Instead of being transformative, the Goals were technocratic.[4]

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[1] United Nations system task team on the post-2015 United Nations development agenda, "Realizing the future we want for all" (New York, 2012). Available from www.un.org/millenniumgoals/pdf/Post_2015_UNTTreport.pdf.

[2] Paul J. Nelson, "Human rights, the Millennium Development Goals, and the future of development cooperation", *World Development*, vol. 35, No. 12 (December 2007), pp. 2041-2055.

[3] Open letter by the United Nations High Commissioner for Human Rights, dated 6 June 2013, available from www.ohchr.org/Documents/Issues/MDGs/OpenLetterMS_Post2015.pdf.

[4] OHCHR, *Human Rights and the Millennium Development Goals in Practice: A Review of Country Strategies and Reporting* (HR/PUB/10/1).

14. Other challenges that the Goal framework did not adequately address included tackling climate change, natural disasters and external shocks such as the global financial climate, social exclusion, addressing demographic dynamics, ensuring peace and security and improving governance and the rule of law.

B. Current migration trends

15. There are currently more than 232 million migrants. Most originate from developing countries, with 59 per cent settling in developed regions where they make up some 11 per cent of the population. Currently, however, there is a rise in South-South migration, in particular in Asia, which has witnessed an increase of 41 per cent. Consequently, Asia is on track to overtake Europe as the major area hosting the largest number of migrants in the near future.[5]

16. Many are still migrating to find decent work and a better or safer life. Some migrants voluntarily move, live and work in conditions in which their labour and human rights are respected or their family might be reunified. Others, however, are forced to migrate as a result of poverty, discrimination, violence, conflict, political upheaval or poor governance. In the context of natural disasters, migration is increasingly seen as an adaptation measure that develops resilience through planned mobility. During migration, many face exploitation, abuse and other human rights violations.

17. Large-scale migration is inevitable and necessary for the growth and development of a globalized economy that demands global production and a global workforce. Businesses and employers are keen to reduce costs and maximize profits. This frequently comes at a human cost, especially for migrants in an irregular situation who are often constrained by circumstances to perform tasks at whatever financial, physical or even psychological cost (see A/HRC/26/35). States are, in turn, ineffective when it comes to monitoring and sanctioning businesses that exploit migrants for their cheap labour, often in dirty, difficult and dangerous working conditions. In some sectors, such as agriculture, construction, extraction or hospitality, many workers are migrants in an irregular situation. States are often engaged in migration governance discussions and know that some sectors of their economies rely on the exploitation of migrants in an irregular situation who will not complain owing to their residency status, lack of political capital and/or lack of access to justice.

18. In addition, ageing populations have caused a shift in demographics that has led to labour shortages in Italy and Japan, among others. In 2010, for the first time, more workers were retiring from the European labour market than joining it. By 2030, the labour shortage in Europe is likely to rise to 8.3 million workers. By 2020, other large economies, such as Canada, China, the Republic of Korea and the Russian Federation, will also face similar shortages.[6] To overcome this challenge, employers will have to embrace diversity and rely on recruitment from a global labour force. Migrants of all skill levels will be required for many sectors of the economy.

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[5] United Nations, *International Migration Report 2013* (ST/ESA/SER.A/346).

[6] Ernst and Young, "Tracking global trends: how six key developments are shaping the business world" (2011). Available from www.ey.com/Publication/vwLUAssets/Tracking_global_trends/$FILE/Tracking%20global%20trends.pdf.

19. The economic and financial crisis has also increased migration from the most affected countries. From 2007 to 2011, the migration of citizens from Greece and Spain to Organization for Economic Cooperation and Development destination countries more than doubled, while the number of citizens leaving Ireland increased by 80 per cent.[7]

20. Increased migration has led to a rise in anti-migration sentiment, which has resulted in greater discrimination and violence against migrants, given that they are portrayed as taking away jobs and draining social services in the host country. Immigration has, however, been found to have a minimal impact on unemployment of residents and a positive overall impact on employment generation and investment.[7] Currently, 74 per cent of migrants are of working age and the numbers are almost evenly spread out between genders.[5] Policies that favour diversity and the inclusion of migrants are key to facilitating their contribution to development and reducing populist negative representations of migrants.

C. Why the human rights of migrants should be included in the post-2015 sustainable development agenda

21. Human rights are not reserved for citizens. They benefit everyone within a State's territory or jurisdiction, without discrimination, irrespective of administrative status and circumstances.

22. Governments have already committed themselves to upholding human rights in numerous international treaties: they must implement such commitments in the setting of development priorities. How migration is governed — whether rights to move, live, work and seek redress are promoted, respected and protected — will contribute to determining the kind of development outcomes that can be achieved.

23. Human rights standards and principles provide specific guidance as to how goals, targets and indicators should be framed in the post-2015 United Nations development agenda. Since the participants in the United Nations Conference on Sustainable Development proposed the inclusion of human rights in the sustainable development goals, support for the inclusion of human rights has also been reiterated by the United Nations system task team on the post-2015 agenda, the Secretary-General (see A/68/292), stakeholders around the world in global thematic consultations sponsored by the United Nations, the High-level Panel of Eminent Persons on the Post-2015 Development Agenda and the Open Working Group of the General Assembly on Sustainable Development Goals. The content of the present report — in particular the goals, targets and indicators — is drawn from those sources and from OHCHR and the Global Migration Group.

24. The United Nations High Commissioner for Human Rights has called for the inclusion of marginalized groups, including migrants, in the post-2015 agenda, saying that such inclusion is: "a normative obligation rooted in the prohibition of discrimination, but also a practical imperative for effective development strategies. It should by now be seen as axiomatic that no society can develop to its true potential when entire sectors of that society are blocked from contributing by legal,

[7] Organization for Economic Cooperation and Development, *International Migration Outlook 2013* (Paris, OECD Publishing, 2013).

physical, social or political barriers. Development — real development — is about removing barriers and expanding choices."[3]

25. It is internationally recognized that migrants are drivers and enablers of development.[8] Migrants contributed to efforts to attain the Millennium Development Goals by, among other things, boosting household income, resulting in improved health and greater school enrolment. At the national level, remittances to developing countries account for a significant proportion of the gross domestic product and are an important source of foreign currency earnings, supporting national income and allowing countries to pay for critical imports, gain access to capital markets and pay lower interest rates on sovereign debt.[9] Migrants increase domestic demand for goods and services, which in turn increases total economic output, thereby creating jobs in the country of destination. At the regional and global levels, migration addresses global talent and labour shortages.

26. In 2013, migrants sent approximately $404 billion in remittances.[10] Migrants who moved from countries with a low human development index to countries with a higher index experienced, on average, a 15-fold increase in income, a doubling in education enrolment rates and a 16-fold reduction in child mortality.[11] If the human rights of migrants are effectively promoted, respected and protected within well-governed migration processes, such development outcomes can be greatly enhanced.

27. The Special Rapporteur would like to strongly emphasize, however, that migration is first and foremost about human beings who are rights holders exercising their personal freedom to move and whose dignity can be defined by how much they are allowed to exercise options in defining their own future and that of their family, without being only constrained by status and circumstances. It is therefore crucial to facilitate mobility while effectively promoting and protecting the human rights of migrants within well-governed migration processes. Development is no longer defined only from an economic lens, given that sustainable development includes economic, environmental and social dimensions. All subjects of development, including migrants, should equally enjoy their human rights. Unfortunately, the reality is that many migrants continue to live and work in precarious and inequitable conditions.

28. Development targets that pay no attention to which groups are being left behind can be met without having any real impact on ensuring a more equal and just world. The focus should not be on simply reducing the cost and increasing the flow of remittances, but rather on the human cost of migration. In many countries, the most marginalized and exploited migrants are those who are in an irregular situation, have a precarious labour contract, are low-skilled, are children or adolescents, are women, in particular in domestic work, or are working in the construction, hospitality, extraction, fishing and agricultural sectors. Such migrants

[8] See www.iom.int/files/live/sites/iom/files/What-We-Do/docs/Dhaka-Declaration.pdf.

[9] United Nations Conference on Trade and Development, *Maximizing the Development Impact of Remittances* (UNCTAD/DITC/TNCD/2011/8).

[10] World Bank, "Migration and remittances: recent developments and outlook", *Migration and Development Brief*, No. 22, 11 April 2014. Available from http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief22.pdf.

[11] United Nations Development Programme, *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development* (United Nations publication, Sales No. E.09.III.B.1).

experience multiple forms of discrimination, on the basis of nationality, legal status, sector of work, sex, age and ethnic, linguistic or religious identity.

29. National development plans must acknowledge the positive role that migration plays in development and spur migration policies that go beyond implementing security controls and curbing irregular migration. National plans must recognize the development potential of migration and build coherent labour migration and employment policies that match supply and demand for highly skilled and low-skilled workers. In particular, the plans must acknowledge the real needs for low-skilled labour and broaden opportunities for temporary and permanent migration for such workers, in addition to implementing sanctions against employers who exploit migrants, irrespective of their status and circumstances.

30. Moreover, the post-2015 agenda must recognize that migration interacts with development in important areas beyond the workplace, including in the communities that migrants leave or join, health, education and cultural life. Thus, the participants in the United Nations Conference on Sustainable Development recognized that sustainable development required the meaningful involvement and active participation of all affected, including migrants. As noted in the outcome document (General Assembly resolution 66/288, annex), their rights need to be effectively promoted, respected and protected, regardless of migration status, especially the rights of women and children. States need to address international migration through international, regional or bilateral cooperation and dialogue. They should strive for a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability. In the Declaration of the High-level Dialogue on International Migration and Development (General Assembly resolution 68/4), the participants recognized the important contribution that migrants were making towards sustainable development and supported the call to adequately consider the inclusion of migrants in the sustainable development goals.

31. The Open Working Group of the General Assembly on Sustainable Development Goals has discussed the need to include migrants as a cross-cutting issue and have disaggregated data on migrants. The Special Rapporteur supports the continuing discussion on migrants, which comes under the concept of "no one is left behind".

D. Mainstreaming migration in the sustainable development goals

32. The Special Rapporteur recommends that the elements set out below be considered in the post-2015 agenda.

1. General overview

33. The language used to develop the targets should be sensitive to and inclusive of migration, focusing not only on citizens but also on migrants, thereby recognizing their human rights, contribution to development and need to be explicitly recognized as legal persons and as drivers of development, with a particular focus on marginalized migrant individuals and groups.

34. The Special Rapporteur supports universal goals that are applicable to all States and are inclusive of marginalized groups, including migrants. Mainstreaming migration would entail including targets and indicators on the human rights of migrants under each goal.

2. Narrative

35. The narrative should recognize the significant role that the millions of migrants play as enablers and subjects of development, whose human rights should be respected, protected and fulfilled. It should acknowledge how migration affects the realization of a number of development goals at the national, regional and global levels and also how migrants are affected by them and thus needs to be taken into account when formulating development strategies at all levels.

36. In the following section, the Special Rapporteur sets out the need to have migration mainstreamed under each of the goals outlined below.

3. Goal on equality

37. The Millennium Development Goals failed to address the issue of inequality and the plight of the most disadvantaged members of society, which resulted in some Governments concentrating their interventions on the groups easiest to reach, rather than on those most marginalized.[12]

38. The rising inequality in many developed and developing countries has a detrimental effect on social cohesion and economic growth. The synthesis report of the global thematic consultation on the post-2015 development agenda, focusing on inequalities, states that:

> There is considerable evidence that inequalities in one structural domain increase the likelihood of inequalities in others. In the event of opportunity for improvements in one domain, the chance of progress is often undermined or rendered inaccessible by simultaneous intersecting disadvantage in another ... These intersecting and mutually reinforcing inequalities are often rooted in historical relationships, and continue to be reproduced through discrimination in social, economic, environmental and political domains.[13]

39. A human-rights-based approach to setting goals makes it essential to tackle inequalities when formulating development priorities. Article 1 of the Universal Declaration of Human Rights affirms that "all human beings are born free and equal in dignity and rights". All persons are entitled to the enjoyment of all rights, on an equal footing and without discrimination on any grounds, including race, ethnicity, sex, gender, disability, socioeconomic status, age or nationality. Moreover, under international human rights treaties, States have committed themselves to taking measures to ensure the implementation of civil, political, economic, social and cultural rights to the maximum extent of their available resources. The Committee on Economic, Social and Cultural Rights, in its general comment No. 20, states that the lack of available resources cannot be considered to be an objective and

[12] United Nations system task team on the post-2015 United Nations development agenda, "Addressing inequalities: the heart of the post-2015 agenda and the future we want for all" (New York, 2012). Available from www.un.org/millenniumgoals/pdf/Think%20Pieces/10_inequalities.pdf.

[13] See www.worldwewant2015.org/node/299198.

reasonable justification for a difference of treatment, "unless every effort has been made to use all resources that are at the State party's disposition in an effort to address and eliminate the discrimination, as a matter of priority". International human rights law includes several widely agreed commitments to equality and a set of tools and mechanisms by which to achieve it, including the requirement that duty bearers address the root causes of inequality and discrimination.

40. There is now growing consensus among States that the post-2015 agenda must include tackling the reduction of inequalities. The new development framework must be articulated in a manner that not only does not accept or accommodate inequalities and disparities, but also actively seeks to tackle them. Equality, however, does not mean treating all cases in the same way, given that doing so would reduce it to formal equality. Substantial equality means treating differently persons who are in a different situation. It refers to bringing all persons to a level playing field and progressively working to improve the quality and levels of service accessible to marginalized groups that are usually left behind, including migrants.

41. The Special Rapporteur strongly recommends that the post-2015 agenda incorporate equality, which in itself is a fundamental human rights principle, as a stand-alone and cross-cutting goal, aiming to progressively eliminate disparities within and between marginalized groups, including migrants, and the general population, as well as between countries, to achieve more inclusive forms of development.

42. Incorporating the equality principle will create incentives to end discrimination and adopt affirmative-action measures or temporary special measures where barriers exist and persist. In addition, it will require States to look beyond average attainments and adopt more effective ways of collecting disaggregated data on inequality affecting marginalized groups, in order to allow for disparate impacts to be identified. Specific measurements will be required to assess the extent to which migrants benefit from the post-2015 framework.

43. A goal on equality should be broad, not only focusing on income disparities, but also identifying key dimensions of economic and social inequality, including in terms of participation and access to essential services such as health, education and social protection. This should be framed with reference to the civil, political, economic, social and cultural rights of all. In addition, targets and indicators relating to employment and fiscal or redistributive policies must be included under this goal and structural determinants of inequality should also be addressed.

44. Equality should be cross-cutting. All new targets must mainstream equality and explicitly focus on reducing inequalities, in order to measure and tackle unequal enjoyment of the opportunities and benefits of progress across different areas. Targets and indicators must focus on the situation of the most marginalized, whose rights and needs should be considered and accorded priority. As such, success should be measured by the progress made by all, including the most marginalized groups, including migrants, rather than only by overall progress.

Targets and indicators

45. Targets under equality should focus on the empowerment and inclusion of groups that are often marginalized, including migrants, and include a commitment to

working towards more inclusive societies that respect and promote social and cultural diversity. Such targets should focus on:

(a) Monitoring and ending inequalities and discrimination against migrants, irrespective of their status, in laws, policies and practices;

(b) Ensuring that migrants are protected against racism, racial discrimination, xenophobia and related intolerance and have access to means of recourse and redress;

(c) Ensuring the effective protection of the human and labour rights of migrants, including equal opportunity and treatment in employment, in compliance with international human rights and labour standards.

46. To ensure equality of economic opportunities for all, including marginalized groups, including migrants, targets should be developed on the following specific issues:

(a) Adopting approaches that reduce the precariousness of migrants, in particular by avoiding the securitization of migration policies and the externalization of border controls;

(b) Implementing policies that effectively sanction employers who exploit migrants and increasing the share of migrants who benefit from cross-border recognition of skills and qualifications and of portability of social security benefits;

(c) Ensuring development opportunities for all, including secure rights to own land, property and other productive resources and to access to financial services.

47. Indicators under this goal could include:

(a) Proportion of migrant children and children of migrants under 5 years of age whose birth is registered with a competent civil authority;

(b) Establishing a policy-specific time frame for the elimination of discrimination against all migrants in laws, policies and practices;

(c) Proportion of migrants with affordable and effective access to justice through independent and competent judicial and quasi-judicial institutions, such as the court system, administrative tribunals, national human rights institutions and other bodies whose decisions may affect their rights;

(d) Proportion of migrants excluded from adequate, affordable and accessible public services;[14]

(e) Proportion of migrants able to gain access to financial services, including opening bank accounts and securing mortgages.

48. Inequalities cannot be properly tackled without better and more accurate data collection, which is essential to identifying and monitoring inequalities.

[14] See resolutions 68/179, para. 3 (a), resolution 66/288, annex, para. 43, and resolution 68/4, para. 1. See also the Global Migration Group position document on including migrants in the post-2015 United Nations development agenda, available from www.globalmigrationgroup.org/sites/default/files/uploads/GMG-Working-Groups-and-Task-Forces/Working-Group-on-Human-Rights-Gender-and-Migration/GMG-WG-HR-position-document.pdf.

4. End poverty in all its forms everywhere

49. Migrants make a substantial contribution to reducing poverty. As stated above, migrants from countries with a low human development index who move to a country with a higher index experience, on average, a 15-fold increase in income. To eradicate poverty fully, all marginalized groups, including migrants, must be included in national poverty reduction strategies.

Targets and indicators

50. This goal should include specific targets on eradicating extreme poverty by bringing to zero the number of persons, including marginalized groups, including migrants, living on less than $1.25 per day and by addressing inequalities at both the national and international levels. Indicators will include reducing the proportion of migrants classified as living in poverty.

51. A target on providing social protection to reduce the vulnerabilities of the poor, including marginalized groups, including migrants, is essential. Indicators could include the proportion of migrants with access to, and cross-border portability of, earned social benefits (e.g. pensions). Under article 9 of the International Covenant on Economic, Social and Cultural Rights, States recognize the right of everyone to social security. In its general comment No. 19, the Committee on Economic, Social and Cultural Rights defined the right to social security as encompassing "the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, inter alia, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents". It went on to say that "the right to social security includes the right not to be subject to arbitrary and unreasonable restrictions of existing social security coverage, whether obtained publicly or privately, as well as the right to equal enjoyment of adequate protection from social risks and contingencies".

52. A human rights approach to social protection requires comprehensive, universal and sustainable systems with both contributory and non-contributory elements. Owing to their specific demographics, migrants usually contribute more in taxes and social contributions than they receive in individual benefits.[15] Although, as a result of their low wages, migrants contribute less in taxes than citizens, they usually also claim fewer benefits.[7] Migrants who do not participate directly in social contribution schemes also contribute to financing social protection schemes and programmes by paying indirect taxes (see CMW/C/GC/2). The right to social protection is absolute and not dependent on employment status. States should pursue publicly funded and delivered social protection policies in critical areas that guarantee the well-being of the entire community, including migrants, irrespective of their status.

53. Indicators should focus on the increased proportion of migrants with equal access to social security and cross-border portability of earned social security benefits such as pensions.[5]

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[15] International Labour Organization, *Fair Migration: Setting an ILO Agenda*, report I (B) prepared for the 103rd session of the International Labour Conference, 2014 (ILC.103/DG/IB) (Geneva, 2014).

5. Ensure healthy lives and promote well-being for all at all ages

54. Migrants are often not able to enjoy their right to health fully owing to such factors as discrimination, language, cultural barriers or legal status. Migrants in an irregular situation, temporary migrant workers, migrant domestic workers and migrants in detention are among the most marginalized groups.

55. Many migrants travelling to their countries of destination face desperate conditions, hidden or travelling in cramped boats or trucks, and may also face sexual and physical violence during the journey. Upon arrival in transit or destination countries, migrants receive little or no health care. In addition, they are often seen as the cause of diseases and undergo compulsory testing for some medical conditions such as HIV, a situation that violates their right to informed consent, is discriminatory and is counterproductive to improved public health because it encourages concealment.[16]

56. It is widely accepted that a healthy life is key to sustainable development. In the outcome document of the United Nations Conference on Sustainable Development, it is stated that health is a precondition for and an outcome and indicator of all three dimensions of sustainable development. The participants called for the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health and for all workers to be provided with the necessary social and health protections. Research shows that migrants are able to improve the health standards of their families and that those involved in temporary migration are able to share health-improving practices with their families and local communities.[17]

57. In its resolution 67/81, the General Assembly urged Governments, civil society organizations and international organizations to promote the inclusion of universal health coverage as an important element on the international development agenda and in the implementation of the internationally agreed development goals, including the Millennium Development Goals, as a means of promoting sustained, inclusive and equitable growth, social cohesion and well-being of the population and achieving other milestones for social development, such as education, work income and household financial security. This concept should be implemented to ensure that marginalized groups, including migrants, are able to benefit from universal health coverage.

58. The goal should fully capture the right to health, which is an inclusive right extending not only to timely and appropriate health care, but also to the underlying determinants of health, including access to healthy occupational and environmental conditions and to health-related education and information, including on sexual and reproductive health.[18] This right should be captured in all other interrelated goals, including those pertaining to access to safe and potable water and adequate sanitation and an adequate supply of safe nutrition.

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[16] See A/HRC/23/41 and paragraphs 25, 27 and 28 of the HIV and AIDS Recommendation, 2010 (No. 200), of the International Labour Organization.

[17] Dilip Ratha, "The impact of remittances on economic growth and poverty reduction", MPI Policy Brief, No. 8 (Washington, D.C., Migration Policy Institute, September 2013).

[18] See Committee on Economic, Social and Cultural Rights, general comment No. 14, para. 11.

59. The goal needs to ensure that all migrants and members of their families, irrespective of their status, have equal access to adequate, affordable, accessible and quality health care, including mental health care.[19]

Targets and indicators

60. The goal should include a specific target on reducing barriers to universal access to health and ensuring a balanced distribution of the human and financial costs of care.[5] Indicators can focus on:

(a) Number of countries that have developed national health legislation, policies, plans and programmes to promote universal health coverage for all, including migrants, irrespective of their status and circumstances;

(b) Proportion of migrants with equal access to adequate, affordable, accessible and quality health care, including essential drugs, irrespective of their status and circumstances, on a sustainable basis;[20]

(c) Number of countries that have eliminated discriminatory practices and barriers, including detention or deportation on the basis of the health conditions of migrants.[5]

61. Under a target of ending AIDS, tuberculosis, malaria and neglected tropical diseases, health indicators should be designed to measure the effectiveness of prevention, treatment and support measures in favour of migrants.

6. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

62. According to article 13 of the International Covenant on Economic, Social and Cultural Rights, the right to education is a universal right. As recognized by Committee on Economic, Social and Cultural Rights in its general comment No. 13, education is the "primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities". The Committee on the Elimination of Racial Discrimination, in its general recommendation No. 30, has highlighted the need for States to ensure that all migrant children, irrespective of their status, have access to public educational institutions. The Committee on the Rights of the Child, in its general comment No. 9, endorsed the concept of inclusive education as "a set of values, principles and practices that seeks meaningful, effective, and quality education for all students, that does justice to the diversity of learning conditions and requirements not only of children with disabilities, but for all students".

63. A goal on education should be formulated to ensure equal access to education at all levels, for all, including marginalized groups, such as migrants, and with a focus on:

(a) Ensuring that the education provided is inclusive, reflecting a commitment to creating learning environments adapted to include every child without discrimination;

[19] See General Assembly resolution 68/4.

[20] See Human Rights Council resolution 23/20, para. 4 (e), and World Health Assembly resolution WHA61.17.

(b) Requiring schools to be responsive to the differing needs and strengths of all children, including migrant children;

(c) Establishing institutions, policies and practices that recognize and value diversity.

Targets and indicators

64. Targets should include:

(a) All children, including migrant children, irrespective of their status and circumstances, have equal access to and complete free, inclusive and quality primary and secondary education;

(b) All children, including migrant children, irrespective of their status and circumstances, achieve recognized and measurable learning outcomes, especially in literacy, numeracy and essential life and work skills;

(c) All children, including migrant children, irrespective of their status and circumstances, receive culturally appropriate education;

(d) Education policies take into consideration the special requirements of marginalized groups, including migrant children, such as language training;

(e) Promotion of lifelong vocational training for all, including migrants;

(f) Education policies facilitate the social and economic integration of migrants through, among other things, the cross-border recognition of skills and qualifications.[5]

65. Indicators should include the proportion of:

(a) Migrant children gaining access to and completing universal, free and compulsory primary education leading to relevant and measurable learning outcomes;

(b) Migrant children gaining access to and completing progressively free secondary education, with graduates demonstrating relevant learning outcomes;

(c) Migrant learners who enrol in and complete tertiary education leading to a certificate, diploma and/or degree and have access to lifelong learning opportunities.[21]

7. Achieve gender equality and empower all women and girls

66. Migration can contribute to gender equality and the empowerment of women by providing women migrants with the income, status, autonomy, freedom and self-esteem that come with employment. Studies have shown that temporary migration is associated with higher school enrolment for girls in countries of origin.[17]

67. This goal should have a focus on ending gender discrimination and inequalities, in particular in marginalized groups, including migrants.

[21] See General Assembly resolutions 68/179, para. 5 (h), and 68/4, para. 13, in addition to Human Rights Council resolution 20/3, para. 3.

Targets and indicators

68. Targets should focus on:

(a) Eliminating gender disparities in primary and secondary education for all, including migrants;

(b) Ensuring equal employment opportunities for women and equal pay for equal work for all, including migrants;

(c) Ending all violence, including in the workplace, against women and girls, including migrants, irrespective of their status and circumstances;

(d) Eliminating all forms of discrimination against women and girls, including migrants, irrespective of their status and circumstances;

(e) Promoting the availability of gender-disaggregated data to improve gender equality policies, including gender-sensitive budgeting, in particular with regard to marginalized groups, including migrants.

69. Indicators should include the proportion of:

(a) Migrant women employed in the informal economy, including those in precarious employment such as short, part-time, seasonal and casual workers;

(b) Migrant women who have experienced psychological, physical and/or sexual violence, during the past year or their lifetime, by severity of violence, relationship to perpetrator, migration status and frequency;

(c) Migrant girls having access to and completing primary and secondary education and demonstrating relevant learning outcomes, by migration status.[22]

8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

70. Migrants also play an important role in the global economy. They fill labour shortages, contribute their skills, experience and expertise, send remittances home and open up new markets in destination countries. People migrate in part because there is a demand for their labour in destination countries. In many countries, the competitiveness of several economic sectors, such as agriculture, construction, hospitality, care-giving, fishing and extraction, rests on using what may be termed "cheap labour". Given that there are few legal migration channels, however, in particular for low-skilled workers, many migrants find themselves in an irregular situation, working in precarious conditions and exploited by recruiters, employers, smugglers and traffickers (see A/HRC/26/35). The International Labour Organization estimates that forced labour generates $150 billion per year.[23] Many of the victims of forced labour are migrants who leave their country of origin owing to the unrecognized needs in the labour markets in destination countries, given that migrants are often willing to do the dirty, difficult and dangerous jobs that nationals will not, at the exploitative wages and labour conditions that unscrupulous employers will offer.

[22] See General Assembly resolutions 68/179, para. 5 (e), and 68/4, para. 11.

[23] International Labour Office, *Profits and Poverty: The Economics of Forced Labour* (Geneva, 2014).

71. Such a goal gives the post-2015 agenda an opportunity to acknowledge and highlight the human and labour rights of migrants, which will in turn enhance their contribution to the global economy. States must hold employers accountable for ensuring that migrants are not exploited and repeal policies that create precarious working conditions for migrants, such as sponsorship systems. National law should guarantee productive employment and decent work for all, including migrants, irrespective of status and circumstances, in countries of origin and destination.

Targets and indicators

72. Targets should include promoting the financial inclusion of migrants and provide incentives for migrants to trade with and invest in countries of origin and destination, in addition to promoting a strategy to enable, engage with and empower migrant diasporas and their entrepreneurship.[5]

73. In recognition of the push and pull factors of migration, a target should be developed to ensure the appropriate governance of migration, to promote the matching of skills and jobs and of labour supply and demand between countries, including by creating fair, safe and regular channels for migration, including for low-skilled labour. In addition, the targets should aim to counteract deskilling and include increasing the proportion of migrants who are working at the skill level that is most relevant to their education, training and work experience, so as to facilitate their integration into the local labour force and their reintegration into the labour market in the country of origin.[5]

74. With regard to remittances, the World Bank estimates that $436 billion will be sent as remittances in 2014.[24] Private money transfers play a role in increasing household incomes and ultimately improving health and educational outcomes in countries of origin.[25] Consequently, a target on reducing to less than 3 per cent the transaction costs of migrant remittances, as suggested by the Open Working Group on Sustainable Development Goals, would go a long way to improving the economic status of families. Reducing the cost of sending remittances should not, however, be used in lieu of a national policy for poverty reduction, taking into account that remittances are privately owned sums of money.

75. A target to promote the formalization of informal-sector activities and employment should have specific indicators on the formalization of the specific economic areas in which migrants work, for example the construction, fishing, hospitality, care-giving, extraction and agricultural sectors, and include the proportion of migrant workers in the informal sector who having to the formal sector during the reporting period.

76. A target on recruitment would assist States in lowering the overall human and financial costs of migration. It could focus on ensuring ethical, transparent and responsible engagement of intermediaries at both ends of the migration process by establishing effective governmental regulatory monitoring frameworks and using all international cooperation channels available.

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[24] See www.worldbank.org/en/news/press-release/2014/04/11/remittances-developing-countries-deportations-migrant-workers-wb.

[25] Organization for Economic Cooperation and Development, *Policy Coherence for Development: Migration and Developing Countries* (Paris, OECD Publishing, 2007).

77. A target on achieving full and productive employment and decent work for all should encompass the protection of the human and labour rights of migrants, including equal opportunity and treatment in employment, in compliance with international human rights and labour standards. Indicators should focus on:

(a) Number of countries that have ratified relevant international human rights and labour law instruments providing for the equality of treatment for all in respect of employment;

(b) Number of countries whose national legislation and policies provide for equality of treatment for all in respect of employment, including through the protection of the labour rights of migrants and their equal access to social security benefits, as well as to redress mechanisms;

(c) Reduction of upfront costs for migrants, especially recruitment fees;

(d) Increased regulation and monitoring of the recruitment industry;

(e) Mutual recognition of foreign educational qualifications and the portability of social security benefits, including through the conclusion of bilateral and multilateral agreements;

(f) Disaggregated data showing the proportion of migrants who have reported cases of violation of the right to work, including forced labour, discrimination and unlawful termination of employment and the proportion of victims who received compensation.

78. A target on ending the worst forms of child labour and protecting the rights of and ensuring safe and secure working environments for all workers, including migrants, should include as indicators:

(a) Number of countries that have ratified relevant international standards and whose national legislation provides for the protection of the rights of migrants and their equality of treatment in employment;

(b) Number of information campaigns that promote decent work and the protection of the human rights of migrants;

(c) Incidence of forced labour, human trafficking and the worst forms of child labour, including in domestic work;

(d) Number of prosecutions of human trafficking and forced labour;

(e) Number of cases in which migrants are offered special visa protections or other protective measures for victims of trafficking and forced labour;

(f) Number of businesses screening their global supply chains for forced labour and the worst forms of child labour;

(g) Proportion of low-skilled workers, especially women and child migrants, who are filing complaints of labour exploitation, and are obtaining compensation.[26]

[26] See the zero draft prepared by the Open Working Group of the General Assembly on Sustainable Development Goals.

9. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

79. States have assumed obligations to ensure equal access to justice for all within their borders by committing themselves to respecting, protecting and fulfilling several rights, including to an effective remedy, to equality before the courts and tribunals, to a fair trial, to legal assistance, to equality and equal protection of the law, access to justice without discrimination, to recognition as a person before the law and to seek and receive information.

80. That migration policies are rarely based on human rights and that labour laws either do not apply to migrant work or are not implemented in favour of migrants leave many migrants in a precarious situation, thereby preventing migrants and States from fully maximizing the benefits of migration. Migrants face discrimination and exploitation in the workplace and sometimes experience forced labour. They often find themselves in debt bondage as a result of exorbitant recruitment fees.

81. Yet, irrespective of their legal status and circumstances, migrants most often do not seek redress for the human rights and labour standards violations that they suffer, given that they live in fear of detection, detention and deportation. This holds especially true for the most marginalized migrants, including those in an irregular situation and live-in migrant domestic workers, the overwhelming majority of whom are women.

82. Migrants, with or without regular status, are routinely excluded from access to justice on an equal footing with citizens of the country of destination. Migrants who are unable to claim their rights and report abuses or violations are trapped in a vicious circle of impunity, exploitation and marginalization. Effective and accessible justice systems can be tools to overcome exclusion, for example through the development of progressive jurisprudence on economic and social rights, by enforcing the human and labour rights of migrants and by remedying their exploitation by private or public actors.

83. The Special Rapporteur believes that this goal should focus on making the rule of law effective: specifically ensuring that marginalized groups, including migrants, have effective access to justice. Societies respecting the rule of law, effective access to justice and non-discriminatory treatment by government institutions are fertile ground for thriving and sustained development.

84. The Special Rapporteur proposes that the goal should include strengthening the rule of law at all levels. States should adopt and implement legal, policy and institutional guarantees for equal and effective access to justice for all, thereby ensuring that marginalized groups, including migrants, are able to fully enjoy their rights.

Targets and indicators

85. Relevant targets should focus on:

(a) Providing legal identity documents to all, including migrants, who have no such legal identification, given the profound relationship between lack of civil legal identification and marginalization;

(b) Ending discrimination and inequalities for all, including migrants, in the laws, policies and practices that govern access to justice;

(c) Providing equal access for all, including migrants, to independent, competent and responsive judicial and quasi-judicial institutions, including courts, tribunals, administrative tribunals, labour tribunals, immigration tribunals, national human rights institutions and ombudspersons;

(d) Ensuring equal access for all, including migrants, to legal assistance;

(e) Providing equal access to competent and affordable legal representation;

(f) Ensuring the physical accessibility of the justice system, for example for persons with disabilities or in rural areas;

(g) Providing equal and affordable access to reliable legal information.

86. Indicators should include:

(a) Number of individuals who lack a basic legal identity document;

(b) Number of complaints filed by migrants of human and labour rights violations, discrimination or abuse with any judicial or quasi-judicial institution;

(c) Proportion of cases in which migrants were effectively provided with proper legal representation and legal aid for their defence;

(d) Number of court fee waivers for all those who cannot afford them, including migrants;

(e) Reduction of the number of migrants in immigration detention;

(f) Proportion of migrant detention cases in which migrants were released into non-custodial alternatives to detention;

(g) Abolition of laws, policies and programmes that criminalize irregular migration.

87. A target should be developed that focuses on the reduction of crime and violence against migrants during their migration journey and ensuring the effective protection and assistance to victims of such exploitation and abuse. Indicators should focus on:

(a) Number of prosecutions of human trafficking, smuggling and forced labour;

(b) Number of cases in which migrants are offered special visa protection or other protective measures for victims of trafficking and forced labour.

88. To tackle continuing discriminatory and xenophobic acts, there should be a target on the elimination of acts of violence and manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants.

89. Indicators should include:

(a) Time frame and coverage of mechanisms providing information and education on a culture of non-violence, diversity and multiculturalism, which focuses on creating public awareness of the cultural, social and economic contributions of migrants;

(b) Time frame and coverage of mechanisms supporting the reintegration of migrants and their families into their countries of origin;

(c) Time frame and coverage of policy on eliminating discriminatory laws, policies and practices, with particular attention paid to marginalized groups, including migrants, and on empowering such groups in the social, political and economic fields;

(d) Time frame and coverage of laws that protect all migrants and their families against all forms of discrimination, labour exploitation, abuse, xenophobia, violence and related intolerance, with a focus on marginalized groups, including children and women;

(e) Proportion of migrants who are victims of crime, including bias-driven violence;[27]

(f) Proportion of the migrant population feeling unsafe, for example walking alone after dark or being alone at home at night.

10. Make cities and human settlements inclusive, safe, resilient and sustainable

90. Migrants in an irregular or precarious situation are often obliged to live in areas with poor access to basic services and facilities, notably in urban areas. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, has highlighted that the housing situation of migrants in an irregular situation is of grave concern, noting that, because of restrictions in their access to housing in the private market or to public housing, such migrants are often homeless or living in crowded, unsafe and unsanitary conditions. She reiterated States' obligation to ensure non-discrimination and equal treatment to migrants, irrespective of their status and circumstances, in the enjoyment of economic, social and cultural rights, which includes the right to adequate housing. Moreover, she noted that the high degree of precariousness experienced by migrants as a mere consequence of their status required the adoption of special measures to counter the cumulative negative effect of systemic marginalization and discrimination (see A/65/261).

Targets and indicators

91. A target addressing the specific needs of marginalized groups, including migrants, who live in urban slums and suburban areas would be essential. Such a target on improving the lives of slum dwellers should be firmly rooted in human rights and ensure security of tenure, without which the possibility of forced evictions remains. Indicators should include the development of programmes to promote the social, cultural and economic integration of migrants in their countries of destination.

11. Strengthen the means of implementation and revitalize the global partnership for sustainable development

92. States today are often simultaneously countries of origin, transit and destination. They are all facing similar benefits and challenges from migration and

[27] See General Assembly resolution 68/179, paras. 4 (a) and 5 (f), the Durban Declaration and Programme of Action, paras. 16 and 48, and Human Rights Council resolution 23/20, para. 4 (b).

need to work together to protect and promote the human rights of migrants, which in turn would bolster development. All stakeholders should be engaged in the implementation of the sustainable development goals, including through effective, innovative and accountable partnerships in cooperation with Governments, that mobilize financial resources, develop and disseminate technologies and provide technical expertise. Private businesses such as recruitment agencies and employers, diaspora communities, international organizations, civil society organizations, trade unions, employer organizations, all government sectors and other relevant stakeholders must work together to fully harness the impact of migration on development and ensure the protection of the human rights of migrants. National efforts need to be reinforced by international support, which may come in the form of technical, financial and political cooperation.

93. The business sectors that employ migrant workers either directly or within their supply chains have a significant role to play in practising due diligence in all their business activities to ensure that the labour and human rights of migrants are adequately promoted, respected and protected. States have an obligation to monitor the activities of the private sector, promote good practices and apply appropriate sanctions where necessary.

94. States must recognize and address what may be termed the "pull factors" of migration, such as unrecognized demand for low-skilled labour in economic sectors, including construction, agriculture, hospitality or care-giving, which cannot be met locally and provide for fair, safe and regular migration channels for such low-skilled jobs. Where regular migration channels fail to reflect labour market needs realistically, migrants are more likely to engage in irregular migration, thus risking exploitation, abuse and detention.

Targets and indicators

95. A target on improved and human-rights-based migration policies to ensure fair, safe and regular migration should be developed to stop exploitation, abuse and violence with regard to migrants, irrespective of their status or circumstances. Sufficient channels for regular migration should be developed to respond to the labour demand at all skill levels in the country of destination. Such policy measures could reduce the use by migrants of irregular migration channels and prevent them from falling victim to smuggling and trafficking rings. The policies should be culturally responsive and promote the participation of all migrants and their representatives, such as trade unions and civil society organizations, in decision-making processes that concern them.

96. Indicators for such a target should include:

(a) Time frame and coverage of policy on enhancing international cooperation to facilitate fair, safe and regular migration, in line with human rights standards, including through labour mobility at all skill levels;

(b) Time frame and coverage of enhanced regular migration channels, including for family reunification;

(c) Time frame and coverage of policy on avoiding criminalization and externalization approaches that aggravate the precarious conditions of migrants;

(d) Number of migrants who are killed, injured or victims of crime while seeking to cross maritime, land and air borders;

(e) Proportion of migrants with effective access to national protection mechanisms, including for seeking asylum or redress for human rights or labour standards violations;

(f) Time frame and coverage of policy on abolishing any form of detention of children on the basis of their immigration status or that of their parents;

(g) Number of social security agreements ensuring the portability of social security benefits for all migrants;

(h) Proportion of bilateral and multilateral agreements on migration that provide for human rights safeguards and comply with international human rights and labour standards, including effective complaint and redress mechanisms;

(i) Capacity-building for the collection, dissemination and use of disaggregated data on the situation of migrants;[28]

(j) Inclusion of migration in national and subnational development and poverty reduction strategies and plans, in addition to national adaptation programmes of action and disaster risk reduction strategies;

(k) Adoption and implementation of regional free movement agreements and/or labour mobility schemes;

(l) Reduction of the human cost of migration, including loss of lives and violations of human rights;

(m) Reduction of upfront costs for migrants, especially recruitment fees;

(n) Increased regulation and monitoring of the recruitment industry;

(o) Mutual recognition of foreign educational qualifications and the portability of social security benefits, including through the conclusion of bilateral and multilateral agreements.

12. Importance of disaggregated data

97. Today's migration data focus on stocks and flows, which cannot give a clear understanding of the human rights situation of migrants and their families and communities in countries of origin, transit and destination. When qualitative and quantitative data on migrants are made available, they are often incomplete, in particular with regard to the most marginalized migrants, including those in an irregular situation, who are frequently not registered anywhere.

98. Moreover, migration policy is too often designed in reaction to anti-migrant speech rooted in the current myths that migrants are taking jobs away from locals, draining public resources and constituting health or security risks.

99. To ensure reliable data collection on migrants in an irregular situation, thus improving policymaking and policy implementation, it is important to establish firewalls between public service providers, including teachers, doctors, social workers, labour inspectors and the local police, and immigration enforcement, to

[28] See General Assembly resolution 66/288, annex, para. 157.

ensure that the former are not made into auxiliaries of the latter and are able to perform their duties and missions without interference, including in the collection of data concerning migrants in an irregular situation. Without such firewalls, many migrants in an irregular or precarious situation will systematically avoid being identified by such public services.

100. For meaningful national plans, policies and programmes to be developed and implemented, States must focus on collecting and assessing data on the human rights situation of migrants. States can collect data from sources such as censuses, population surveys, labour force and household surveys, administrative records, public services, the justice system, national human rights institutions, trade unions and civil society organizations. The participation of hard-to-count migrant populations, such as short-term, circular, irregular and child migrants, trafficked persons, refugees and asylum seekers, in the design of surveys and other data collection instruments and in the dissemination and analysis of data will improve the relevance and quality of data. Migration governance institutions should also be able to ensure that the data, including the identities of those who participated in the production thereof, are protected and kept confidential.

101. Data collection should focus on the human rights aspects of migration and be disaggregated, preferably, by all prohibited grounds of discrimination, including by income, urban/rural area, sex, age, disability, nationality, sector of employment and legal status. By itself, however, disaggregation does not automatically result in the reduction of inequalities. It is the action of policymakers in response to the information revealed by disaggregation that can result in the required change, which must then be reflected when setting targets and indicators.

102. To ensure that no one is left behind, the post-2015 agenda needs to pay specific attention — across goals — to the outcomes of marginalized groups, including migrants. It should therefore ensure systematic disaggregation of indicators by nationality and migrant status under relevant goal areas, in order to measure the progress of marginalized migrant groups, including by identifying structural discrimination. As demonstrated earlier, this should also include developing specific migrant-sensitive targets under relevant goal areas.

103. In response to the need for better qualitative and quantitative data on human rights, OHCHR has developed a methodology for developing human rights indicators, collecting and disaggregating data at the global and national levels, which could ensure that migrants are neither excluded from disaggregation, owing, among other things, to their status as non-nationals, nor "left until last". OHCHR recommends the development of structural, process and outcome indicators. This configuration of indicators should help to assess the steps being taken by States to address their obligations — from commitment to and acceptance of international human rights standards and adoption of laws and regulations (structural indicators), to how they have been implemented through policies, programmes and budget allocations (process indicators) and to their results from the perspective of migrants and members of their families (outcome indicators).[29] OHCHR is working with the Global Knowledge Partnership on Migration and Development, the United Nations Children's Fund and the International Labour Organization to develop human rights

[29] OHCHR, *Human Rights Indicators: A Guide to Measurement and Implementation* (HR/PUB/12/5).

indicators relevant to migrants, which should be used to inform the post-2015 agenda.

13. Assessment of progress

104. The Millennium Development Goals placed emphasis on overall progress as an indicator of whether the Goals had been successfully achieved, which resulted in massive inequalities because the data did not pick up the fact that sections of society were progressing slowly or not at all. This state of affairs led to increased exclusion of marginalized groups, including migrants. Such groups often lack political capital and tend to be overlooked by Governments when it comes to developing targeted policies and programmes. The sustainable development goals must therefore be able to provide comprehensive information with regard to the distribution of progress among sections of society and provide incentives for those who are "left behind".

105. It is difficult to develop targeted programmes and measure progress for marginalized groups, including migrants, that are socially, economically and politically excluded or that suffer chronic violations that go unrecognized by the State. The relevant data tend not to be systematically collected, which leads to further exclusion. Without such data, marginalized groups are not adequately considered when States are setting priorities, developing policy and allocating budgets. Data sourcing that allows for disaggregated data and that measures and monitors the progress of development for all migrants, irrespective of their status, should be developed.[30]

106. The post-2015 agenda reporting system should provide that registering progress require movement in the reduction of gaps, or be conditional upon demonstration of progress of the lowest quintiles, and in all regions of a country.[31]

107. To assess progress in achieving the goal and its targets, the rate of progress as set according to the target for each population group and the reduction of inequalities should be clearly measured, including for migrants.

IV. Conclusion and recommendations

108. **The post-2015 agenda must address the freedom from fear and from want. Countries that have been seen as success stories of the Millennium Development Goals have also seen massive social unrest and political upheaval.[2] Economic growth alone is not an adequate measure of development. The post-2015 agenda must address economic, social and cultural rights, together with civil and political rights, to achieve peaceful societies, access to justice and political participation.**

109. **To guarantee inclusive sustainable development, the post-2015 agenda should focus on promoting and protecting the human rights of all marginalized groups, including migrants, irrespective of their status or circumstances, and**

[30] Global Migration Group position paper on integrating migration in the post-2015 United Nations development agenda (see footnote 14 above).

[31] See www.un.org/en/development/desa/policy/untaskteam_undf/pres_notes_ohchr.pdf.

on more comprehensive information about how progress is distributed.[32] Accordingly, it should:

(a) Recognize that migration interacts with development in the communities in which migrants live in many areas, including the economy, social development, health, education and cultural life;

(b) Build upon the success of the Millennium Development Goals and provide clear, concise, time-bound, measurable and human-rights-based goals, targets and indicators, especially for migrants, whatever their status and circumstances;

(c) Promote equality and non-discrimination as a stand-alone goal, with particular attention paid to the most marginalized groups, including migrants;

(d) Apply the principles of non-discrimination, participation, accountability and access to remedies to all goals, targets and indicators;

(e) Develop specific migrant-sensitive targets and indicators for each relevant goal;

(f) Ensure the systematic disaggregation of indicators by migrant status (e.g. by nationality and by migration and residence status), in addition to disaggregation by all prohibited grounds of discrimination, including age, gender, income, disability, rural/urban area, nationality and disability, in all relevant goals;

(g) Align all goals, targets and indicators with international human rights and labour standards, the aim being to include the realization of human rights for all in the post-2015 agenda, which would increase policy coherence and strengthen accountability;

(h) Explicitly focus targets and indicators on marginalized groups and aim to narrow the gap between the mainstream population and marginalized groups;

(i) Develop inclusive processes, so as to allow for national consultations that create better understanding of and adaptation to each goal, target and indicator, according to national contexts, especially taking into account and carrying the voice of marginalized groups, including migrants.[33]

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[32] Global Migration Group position paper on integrating migration in the post-2015 United Nations development agenda (see footnote 14 above).

[33] Jan Vandemoortele, "The MDGs: 'M' for misunderstood?", *WIDER Angle*, No. 1/2007, pp. 6-7.